

First, Applicants' arguments presented in the February 6, 2003 Amendment are still pertinent and, therefore, are incorporated here by reference.

Second, Applicants respond to the Examiner's remarks as set forth in the "Response to Arguments" section of the Office Action, as set forth on page 3.

Although the Examiner's statement of the rejection itself is the same as in the previous Office Action, he now makes remarks concerning newly cited US Patent 5,995,183 to Tsuyoshi. But Tsuyoshi is not part of the stated rejection. If the Examiner chooses to rely on the teachings as set forth in Tsuyoshi, then he should make that reference part of the stated rejection. Because Tsuyoshi is not part of the stated rejection, Applicants are under no obligation to comment as to its specific teachings.

Nonetheless, one of ordinary skill in the art would not even take Tsuyoshi's teachings into account when considering Onderkirk and the presently claimed invention. That is, Tsuyoshi's Tables 1-4 set forth sizes of titanium oxide particles, whereas Table 5 sets forth sizes of glass, aluminum borate, and silicon carbide/nitride particles. And none of these particle types are liquid-crystal polymers as set forth in claim 1, or the crystalline polymeric materials disclosed in Onderkirk. See Onderkirk at col. 12, line 50 *et seq.*, especially col. 13, 1st and 2nd full paragraphs. Accordingly, the Examiner's assertion that Tsuyoshi discloses typical light-scattering particle sizes has no bearing on Applicants' claimed liquid-crystal polymer minute regions, and does not teach one of ordinary skill in the art what particle sizes to use within the bounds of Onderkirk's teachings.

In light of the above, the Examiner still has failed to present any teaching or suggestion of a light diffusing plate comprising a birefringent film containing dispersed therein minute regions differing from the birefringent film in birefringent characteristics, wherein the minute regions comprise a thermoplastic liquid-crystal polymer and have a length in a Δn^1 direction of from 0.05 to 500 μm , as set forth in Applicants' claim 1.

Further, the Examiner asserts that "[i]t would be an absurdity for a light-diffusing layer to have particles with a length larger than 500 μm because these particles would be visible to the

naked eye.¹ But whether the particles would be visible to the naked eye is not the test for obviousness. Moreover, the Examiner's assertion relies on the mistaken underlying assumption that the particles are opaque. Instead, claim 1 sets forth that the minute regions are comprised of thermoplastic liquid-crystal polymer and, therefore, are translucent.

For at least any of the above reasons, Onderkirk still fails to render obvious Applicants' claims 1, 2, and 5-13. Therefore, this rejection is believed to be in error and should be withdrawn.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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¹ Office Action at page 3, lines 12-13.